

## REMARKS

This Amendment is in response to the Office Action dated April 17, 2008. The Examiner has rejected claims 1-23. Claims 1-3, 10, 15, and 21 are amended. Claims 1-23 are currently pending. Reconsideration of these pending claims is respectfully requested.

### ***Claim Rejections under 35 U.S.C. § 102***

The Examiner rejected claims 1-3, 7, 8, 10, 11, 15, and 21 under U.S.C. § 102(b) as allegedly being unpatentable over Kermani, U.S. Patent No. 6,895,514.

Kermani discloses a system that compares “the character sequence of the just entered password as well as the keystroke timing to one or more stored password models.” [col. 2, ln. 43-45.] Kermani also discloses a so-called “distance” that is “calculated as the difference between the time lapse between the two adjacent characters as entered by the user minus the mean time lapse of the model divided by the sum of the mean and the standard deviation for that character” (emphasis added) in order to help determine the timing score, TS. [col. 5, lines 62-64; col. 6, lines 14-16.] Kermani thus uses the term “distance” in an unconventional manner to refer to a measure of time variation, which does not include any measure of spatial variation. Moreover, Kermani does not disclose assigning a score based upon the location of the keystroke in relation to another keystroke.

Meanwhile, Applicant discloses a method for determining potentially fraudulent or randomly entered keystrokes that are located near to each other, based on relative location between keystrokes independent of time. [page 1, para. 0007.] Claim 1 includes the step of “assigning a score to succeeding keystrokes after  $k_1$  based on the location of the keystroke in relation to another keystroke” without relying on a time component.

For example, the name ELLEN may have a string score of  $1+6+0+6+4=17$  (based on the number of spaces between the keys), a length of 5 (based on the number of keys depressed to form the string) and thus a normalized string score of  $17/5=3.4$ . The normalized string score corresponds to *spatial variations* between keystroke locations on a keyboard. [page 2, para. 0011.]

Similarly, independent claims 10, 15, and 21 include the step of assigning a score to a keystroke based upon the location of the keystroke in relation to another keystroke. Accordingly, Applicant contends that independent claims 1, 10, 15, 21 and their related dependent claims 2, 3, 7, 8, and 11 are allowable. Withdrawal of this rejection is respectfully requested.

***Claim Rejections under 35 U.S.C. § 103***

Claims 4-6, 9, 16, 17, 20, and 23 are rejected under U.S.C. § 103(a) as allegedly being unpatentable over Kermani, U.S. Patent No. 6,895,514 in view of Brown, U.S. Patent No. 5,557,686.

Brown is cited for disclosing a method to determine a similarity between samples. [col. 5, ln. 28-30.] However, Brown does not compensate for the deficiency of Kermani. Nothing in Brown teaches or suggests assigning a score to a keystroke based upon the location of the keystroke in relation to another keystroke. Because independent claims 1, 10, 15, and 21 are patentable in view of Kermani and Brown, so are related dependent claims 4-6, 9, 16, 17, 20, and 23, which recite additional limitations. Applicant respectfully requests withdrawal of this rejection.

Claims 12-14, 18, 19, and 22 are rejected under U.S.C. § 103(a) as allegedly being unpatentable over Kermani, U.S. Patent No. 6,895,514 in view of Brown, U.S. Patent No. 5,557,686 and in further view of Kroll, U.S. Patent No. 6,405,922.

Kroll is cited for disclosing that rejected signatures entered into an ATM are stored for later analysis. [col. 4, lines 47-55.] This reference in combination with Kermani and Brown does not raise a *prima facie* case of obviousness. Neither Kermani, Brown, nor Kroll discloses, or even contemplates or suggests, assigning a score to a keystroke based upon the location of the keystroke in relation to another keystroke.

Accordingly, Applicant contends that related dependent claims 12-14, 18, 19, and 22 are allowable, and respectfully requests that this rejection be withdrawn.

**CONCLUSION**

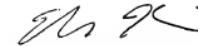
In light of the remarks set forth above, Applicant believes that the present application is in form for allowance, and such action is respectfully requested. Should the Examiner have any question, the Examiner is encouraged to telephone the undersigned.

The Commissioner is authorized to charge any additional fees which may be required, including petition fees and extension of time fees, to Deposit Account No. 23-2415 (Docket No. 31718-706.201).

Respectfully submitted,

Date: 10/16/08

By:

  
Elaine Kim, Reg. No. 57,613

WILSON SONSINI GOODRICH & ROSATI  
650 Page Mill Road  
Palo Alto, CA 94304-1050  
(650) 493-9300  
Client No. 021971